

Current Borrower: Marvin Smith  
B&H File Number: 259484  
Loan Type: CONV UNINS  
Property Address: 1760 Thomas Street, Horn Lake, MS 38637

2/17/09 11:04:45  
BK 603 PG 23  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

Indexing Instructions: LOT 31, SECTION A, RIVER OAKS SUBDIVISION, IN SECTIONS 2 & 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI

### SUBSTITUTE TRUSTEE'S DEED

Grantor: James L. DeLoach, Substitute Trustee  
Grantee: Hanna Homes, LLC. Kim & David Hanna

WHEREAS, on September 6, 2005, Marvin Smith, and Tyanne Smith, executed a deed of trust to ReconTrust Company, N.A, Trustee for the benefit of Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc., which deed of trust is recorded in Deed of Trust Book 2304 at Page 534 in the office of the Chancery Clerk of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10, by instrument dated June 6, 2008, and recorded in Book 2,928 at Page 320 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid, THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10, the holder of said deed of trust and the note secured thereby, substitute James L. DeLoach, as Trustee therein, as authorized by the terms thereof, by instrument dated October 2, 2008, and recorded in the office of the aforesaid Chancery Clerk in Book 2956 at Page 79; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the entire debt secured thereby, having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10, having requested the undersigned Substitute Trustee to execute the trust and sell land and property in accordance with the terms of said deed of trust for the purpose of raising the sums due thereunder, together with attorney's fees, Substitute Trustee's fees and expense of sale;

WHEREAS, the undersigned Substitute Trustee, after posting and publication of the Notice of Sale as required by the terms of said deed of trust and laws of the State of Mississippi, within legal hours (being

BH # 259484/457

DLI-4P5

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between the hours of 11:00 A.M. and 4:00 P.M.), on February 5, 2009, at public outcry offered the hereinafter described property for sale at the East front door of the County Courthouse, in Hernando at Desoto County, State of Mississippi;

WHEREAS, the Proof of Publication, Affidavit of Posting and the Memorandum of Sale have been prepared and executed to verify all aforesaid events. Said items are attached as proof thereof;

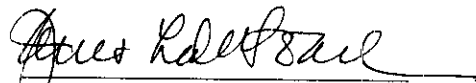
WHEREAS, at the time and place aforementioned, the undersigned received from the hereinafter named grantee a bid of \$72,250.00 which was the highest bid for cash for said land and property, and said bidder was then and there declared to be the purchaser thereof;

NOW, THEREFORE, in consideration of the aforesaid sum, cash in had paid, the receipt whereof is hereby acknowledged, the undersigned does hereby and convey to Hanna Homes, LLC. Kim & David Hanna the following described real estate, together with all the improvements and appurtenances thereunto belonging, situated in the County of Desoto, State of Mississippi, to-wit:

Lot 31, Section A, River Oaks Subdivision, In Sections 2 & 3, Township 2 South, Range 8 West, Desoto County, Mississippi, As Per Plat Thereof Recorded In Plat Book 57, Page 17, In The Office Of The Chancery Clerk Of Desoto County, Mississippi.

I hereby convey only such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this, the 5<sup>th</sup> day of February, 2009.

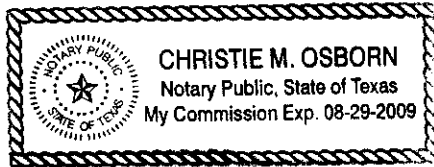


James L. DeLoach  
SUBSTITUTE TRUSTEE  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
Telephone No.:(972) 233-2500

STATE OF TEXAS                    )  
   )   ACKNOWLEDGMENT  
 COUNTY OF DALLAS                )

PERSONALLY came and appeared before me, the undersigned authority in and for the county and state of aforesaid, James L. DeLoach, Substitute Trustee, who acknowledged to and before me that he executed the foregoing Substitute Trustee's Deed on the day and year therein mentioned, and for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the 5th day of February, 2009



CM Osborn  
 Notary Public

My Commission Expires: 8-29-09

GRANTOR'S NAME, ADDRESS AND PHONE NUMBER:

James L. DeLoach  
 Butler & Hosch, P.A.  
 13800 Montfort Drive, Suite 300  
 Dallas, Texas 75240  
 (972)-233-2500

GRANTEE'S NAME, ADDRESS AND PHONE NUMBER (Send Tax Statements to this address):

Hanna Homes, LLC  
 P.O. Box 678  
 Hernando, MS 38632  
 (901)-268-9181  
 Kim & David Hanna

THIS DOCUMENT PREPARED BY AND AFTER RECORDING PLEASE RETURN TO:

BUTLER & HOSCH, P. A.  
 MS Foreclosure Department  
 13800 Montfort; Suite 300  
 Dallas, TX 75240  
 (972) 233-2500

Current Borrower: MARVIN SMITH AND TYANNE SMITH  
 B&H File Number: 259484  
 Loan Type: CONV UNINS  
 Property Address: 1760 Thomas Street, Horn Lake, MS 38637

### Affidavit of Mortgagee

STATE OF TEXAS §  
 COUNTY OF DALLAS §

BEFORE ME, the undersigned authority on this day personally appeared Marilee Linker, who after being duly sworn, deposed as follows:

"1. I am an employee of Butler & Hosch, P.A., attorney for Litton Loan Servicing, LP, as servicing agent for THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWL, INC. ASSET-BACKED CERTIFICATES, SERIES 2005-10 at the time of the events hereinafter set forth and make this affidavit for the purpose of declaring the incidents of statutory and contractual compliance of the entity or entities set out below.

2. This affidavit is made with respect to the foreclosure of that certain Deed of Trust dated September 6, 2005, recorded in Volume 2304, Page 534, Real Property Records, Desoto County, Mississippi, executed by Marvin Smith, and Tyanne Smith, to ReconTrust Company, N.A, Trustee, to secure payment of a Note to Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc.

3. Hanna Homes, LLC. Kim & David Hanna is the holder of the indebtedness secured by the Deed of Trust.

4. To the best of my knowledge and belief, proper notice was sent prior to acceleration of indebtedness. All obligations duties of the holder of the debt were performed in the manner required by law and all notices were served on the Debtor at the Debtor's last known address as shown by the records of the holder of the debt.

5. To the best of my knowledge and belief, the mortgagors holding an interest in the above described property were not members of the Armed Forces of the United States of America and had not been members of any such entities for the last three (3) months prior to the date of the Trustee's Sale and the subject hereof and were alive on the date of such sale.

6. At the instructions and on behalf of the holder of the debt or its agent, notice of acceleration of indebtedness and Trustee's Sale was served on every debtor obligated on the debt, by certified and regular mail at least thirty (30) days prior to the date therein specified for sale at the last known address of each such debtor according to the records of the holder of the debt.

7. At the instructions and on behalf of the holder of the debt or its agent, Notice of Trustee's Sale was filed with the Chancery Clerk in the county or counties in which the subject property is situated and copies thereof posted at said courthouse(s) as required by law and in the manner specified by ordinance or custom."

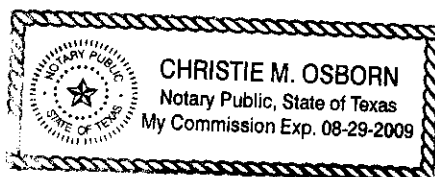
FURTHER AFFIANT SAYETH NAUGHT.

STATE OF TEXAS §  
 COUNTY OF DALLAS §

*Marilee Linker*  
 AFFIANT

Sworn to and subscribed before me, the undersigned Notary Public, on this day personally appeared Marilee Linker, who is the Legal Assistant and duly authorized agent of Butler & Hosch, P.A., on behalf of said law firm, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 5th day of February, 2009



*Christie M. Osborn*  
 Notary Public for the State of Texas  
 Printed Name of Notary Public  
 My Commission Expires: 8-29-09

Current Borrower: Marvin Smith  
 B&H File Number: 259484  
 Loan Type: CONV UNINS  
 Property Address: 1760 Thomas Street, Horn Lake, MS 38637

Witness Kim Hanna

Indexing Instructions: LOT 31, SECTION A, RIVER OAKS SUBDIVISION, IN SECTIONS 2 & 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, DESOTO COUNTY, MISSISSIPPI

### MEMORANDUM OF SALE

The undersigned Substitute Trustee (hereinafter "Trustee") hereby appoints Shane Crotte, to serve as auctioneer for the purpose of conducting the foreclosure sale more particularly described below. This appointment is subject to completion of a satisfactory title examination (including a search for Federal Liens) and the performance of all duties in conformity with Trustee's instructions. All third party bids are subject to confirmation by Trustee prior to sale. Right is reserved by Trustee to reject any bid or to withdraw the property from auction prior to final sale. All sales are subject to review and confirmation by the Trustee, prior to conveyance. The undersigned Trustee reserves the right to reject any bid and to decline to convey the subject property due to mistake (including but not limited to an error in the bid amount), inadequacy of funds, title defects or lack of notice to the IRS, or for any other reasonable cause. If Trustee elects to reject a bid, the funds tendered by the successful bidder will be promptly returned, and the property will be re-advertised for sale at a subsequent date.

Upon confirmation by the Trustee, Trustee will convey only such title as is vested in him. No representations are made concerning title to the subject property of the fitness or merchantability of the same. It is the purchaser's sole responsibility to examine and investigate the title to the property and any related issues, and it shall be the purchaser's responsibility to resolve any issues relating to other liens, taxes or other title problems or issues affecting the subject property. The property will be conveyed without warranty of any kind, it being understood that the property is being sold "as is". The form of conveyance will be that of a Substituted Trustee's Deed, which is in the nature of quitclaim deed.

WITNESS MY SIGNATURE, on this 5<sup>th</sup> day of February, 2009




James L. DeLoach, Substitute Trustee  
Butler & Hosch, P.A.  
13800 Montfort Drive, Suite 300  
Dallas, Texas 75240  
Telephone No.: (972) 233-2500


**RESULTS OF SALE:**


DEED OF TRUST FORECLOSED: BOOK 2304 PAGE 534  
DATE & TIME OF SALE: February 5, 2009, AT 12:15 A.M. P.M.  
AMOUNT OF HIGHEST BID: \$ 72,251.<sup>00</sup>  
CONVEY TO: Hanna Homes, LLC.  
P.O. BOX 678  
Hernando, MS 38632  
PHONE: 901-268-9181

The undersigned acknowledged having read the terms of the auctioneer's appointment and conditions of sale set forth above, and further acknowledge that all bids are subject to approval by the Trustee prior to conveyance, and the sale may be set aside by the Trustee and the funds tendered returned to the bidder, if these conditions are not satisfied.

WITNESS OUR SIGNATURES, on this 5<sup>th</sup> day of Feb,  
2009.

  
AUCTIONEER  
Printed Name: Sharon Crofts

  
WITNESS  
Printed Name: Kim Hanna

  
HIGHEST BIDDER  
Printed Name: Kim Hanna

WITNESS  
Printed Name: \_\_\_\_\_

## PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI  
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said County and State and states on oath that she is the **CLERK** of the DeSoto Times-Tribune, a newspaper published in the town of Hernando, State and County aforesaid, and having a general circulation in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 3 consecutive times, as follows, to-wit:

### SUBSTITUTE TRUSTEE'S NOTICE OF SALE

WHEREAS, on September 6, 2008, Marvin Smith, and Tyne Smith executed a deed of trust to ReconTrust Company, N.A., Trustee for the benefit of Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Home Loans, Inc., which deed of trust is recorded in Deed of Trust Book 2304 at Page 534 in the office of the Chancery Clerk of the County of Desoto, State of Mississippi; and

WHEREAS, the aforesaid deed of trust was assigned to THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS, C.W.L., INC. ASSET-BACKED CERTIFICATES, SERIES 2006-10, by instrument dated June 6, 2008, and recorded in Book 2928 at Page 320 of the records of the aforesaid Chancery Clerk; and

WHEREAS, the aforesaid THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS, C.W.L., INC. ASSET-BACKED CERTIFICATES, SERIES 2006-10, the holder of said deed of trust and the note secured thereby, substituted James L. DeLoach as Trustee therein, as authorized by the terms thereof, by instrument dated October 2, 2008 and recorded in the office of the aforesaid Chancery Clerk in Book 2956 at Page 79; and

WHEREAS, default having been made in the terms and conditions of said deed of trust and the note secured thereby, by having been declared to be due and payable in accordance with the terms of said deed of trust, and the legal holder of said indebtedness, THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS, C.W.L., INC. ASSET-BACKED CERTIFICATES, SERIES 2006-10, having requested the undersigned Substitute Trustee to execute the trust and sell said land and property in accordance with the terms of said deed of trust for the purpose of raising the same due to the default, together with attorney's fees, Substitute Trustee's fees and expenses of sale;

NOW, THEREFORE, I, James L. DeLoach, Substitute Trustee in said deed of trust, will on February 6, 2009, offer for sale at public outcry for cash to the highest bidder, and sell within legal hours (being between the hours of 1:00 P.M. and 4:00 P.M.) at the East front door of the County Courthouse in Hernando, at Desoto, County, State of Mississippi, the following described property situated in the County of Desoto, State of Mississippi, to-wit:

Lot 31, Section A, River Oaks Subdivision, in Sections 8 & 9, Township 2 South, Range 6 West, Desoto County, Mississippi. As Per Plat Thereof Recorded in Plat Book 57, Page 17, in The Office Of The Chancery Clerk Of Desoto County, Mississippi. I WILL CONVEY only such title as is vested in me as Substitute Trustee.

WITNESS MY SIGNATURE, this the 29th day of January, 2009.  
James L. DeLoach  
Substitute Trustee  
Riley & Hirsch, P.A.  
1300 Monitor Drive, Suite 300  
Dallas, Texas 75240  
Telephone No. (972) 233-2500  
FAX No. (972) 233-2500  
PUBLISHED January 15, 2009, January 22, 2009 and January 29, 2009.

Volume No. 114 on the 15 day of Jan., 2009

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Volume No. 114 on the 29 day of Jan., 2009

Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

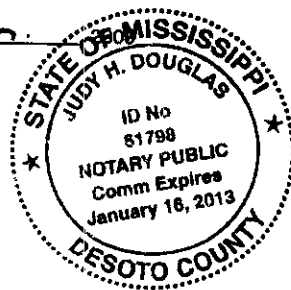
Volume No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

Diane Smith

Sworn to and subscribed before me, this 29 day of Jan.

BY Judy H. Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE  
MY COMMISSION EXPIRES: JANUARY 16, 2013  
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED



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